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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,699	11/14/2003	Dorron Mottes		8130

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DORRON MOTTES
11 LEMON STREET
PO BOX 4562
CAESAREA, 38900
ISRAEL

EXAMINER

KAZIMI, HANI M

ART UNIT	PAPER NUMBER
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3691

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/716,699	Applicant(s) MOTTES, DORRON	
	Examiner Hani Kazimi	Art Unit 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-65 is/are pending in the application.
- 4a) Of the above claim(s) 46-65 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to Application election to the restriction/requirement filed on November 6, 2007. Claims 1-65 are pending examination.

Drawings

2. The drawings filed on 11/14/2003 are acknowledged and are acceptable.

Election/Restrictions

3. Applicant's election without traverse of Group I (claims 1-45) in the reply filed on 11/6/2007 is acknowledged.

Claim Objections

4. Claim 1 objected to because of the following informalities:

Line 1 states "(i.e. MVNO, ASP)". This is indefinite language and should be removed.

Line 3 states "(i.e. MVNO, service provider)". This is indefinite language and should be removed.

Line 4 contains a period in the middle of the claim. This is improper, a period should only occur once in a claim which is at the end of the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims rejected under 35 U.S.C. 103(a) as being unpatentable over Allen (US Patent Publication No 2003/0126095) in view of AAPA (Applicant Admitted Prior Art).

7. In reference to claim 1, Allen teaches a method in which Entity A (i.e. MVNO ASP) develops an agreement with at least one Mobile Network Operator (MNO) enabling Entity A to use the MNO network to provide a virtual network offering (see ¶ 8), which it offers to Entity B (i.e. MVNO, service provider) (see ¶ 10 lines 1-2). Entity B offers mobile service to its users under an Entity B name, based on Entity A's virtual network and does not have an allocation of spectrum in the areas it offers Entity A's virtual network (see ¶s 11 & 49).

Although Allen does disclose an MVNO, Allen fails to explicitly mention an MNO. However, Applicant has admitted that MVNO is just a company that provides a service(s) and does not own any spectrum or infrastructure, but rather the MVNO is a client of an MNO which does own spectrum and infrastructure (AAPA, see Applicants

disclosure ¶s 5-9). It would have been obvious for one of ordinary skill in the art to modify Allen by including the fact that MVNO's do not own any spectrum or infrastructure but rather leases these services from an MNO for the purpose of reselling mobile services to customers of the MVNO.

8. In reference to claim 2, Allen teaches a method according to claim 1 and further comprising, in which Entity A uses at least one of the MNO services which are integrated to Entity A's virtual network offering (this is an inherent feature of an MVNO, see rationale for claim 1) .

9. In reference to claim 3, Allen teaches a method according to claim 1 and further comprising, in which Entity A develops an agreement with at least one wireline operator enabling Entity A to use part of the wireline operator's network and services, and integrate it into Entity A's virtual network offering (¶ 49).

10. In reference to claim 4, Allen teaches a method according to claim 1 and further comprising, in which Entity A develops an agreement with at least one cable operator enabling Entity A to use part of the cable operator's network and services, and integrate it into Entity A's virtual network offering (this is an inherent feature of an MVNO since MNO's include infrastructure such as cable network, see rationale for claim 1).

11. In reference to claim 5, Allen teaches a method according to claim 1 and further comprising, in which Entity A develops an agreement with at least one satellite operator enabling Entity A to use part of the satellite operator's network and services, and integrate it into Entity A's virtual network offering (this is an inherent feature of an MVNO since MNO's include infrastructure such as satellite network, see rationale for claim 1).

12. In reference to claim 6, Allen teaches a method according to claim 1 and further comprising, in which Entity A develops an agreement with at least one communication aggregator network enabling Entity A to use part of the communication aggregator's network and services, and integrate it into Entity A's virtual network offering (this is an inherent feature of an MVNO since MNO's include infrastructure such as communications networks, see rationale for claim 1).

13. In reference to claim 7, Allen teaches a method according to claim 1 and further comprising, in which Entity B integrates Entity A's virtual network with other networks and services Entity B offers (§ 20).

14. In reference to claim 8, Allen teaches a method according to claim 1 and further comprising, in which Entity B markets services under an Entity B name to their users and potential users based on a system provided by Entity A (§ 20).

15. In reference to claim 9, Allen teaches a method according to claim 1 and further comprising, in which Entity B markets services under an Entity B name to their users and potential users based on a service provided by Entity A (§ 20).

16. In reference to claim 10, Allen teaches a method according to claim 1 and further comprising, in which Entity B develops services based on Entity A infrastructure, and are hosted by Entity A, and markets these services under an Entity B name to their users and potential users (§ 32).

17. In reference to claim 11, Allen teaches a method according to claim 1 and further comprising, in which Entity B has no carrier ID on the MNO network, Entity B users use

Entity A's carrier ID, and Entity A is responsible for identifying the user as an Entity B user (§ 49).

18. In reference to claim 12, Allen teaches a method according to claim 11 and further comprising, in which Entity A is responsible for identifying the Mobile Virtual Network Operator (MVNO) carrier based on MVNO user information (this is an inherent feature of an MVNO, see rationale for claim 1).

19. In reference to claim 13, Allen teaches a method according to claim 1 and further comprising, in which Entity A operates an HLR, which includes Entity B users' information (see AAPA § 14, see rationale for claim 10).

20. In reference to claim 14, Allen teaches a method according to claim 1 and further comprising, in which Entity A operates an MSC (see AAPA § 14, see rationale for claim 10).

21. In reference to claim 15, Allen teaches a method according to claim 1 and further comprising, in which Entity A operates a prepaid solution, which Entity B prepaid users' use (§ 25 & 32).

22. In reference to claim 16, Allen teaches a method according to claim 15 and further comprising, in which Entity A prepaid solution, interacts with MNO systems in order to monitor and control the call based on the prepaid solution rules and prepaid account money reserves (§ 25 & 32).

23. In reference to claim 17, Allen teaches a method according to claim 1 and further comprising, in which Entity A operates an authentication mechanism and is responsible for authenticating Entity B users (§ 25 & 32).

24. In reference to claim 18, Allen teaches a method according to claim 17 and further comprising, in which the authentication mechanism is an AAA server (§ 53).

25. In reference to claim 19, Allen teaches a method according to claim 18 and further comprising, in which the AAA server communicates with Entity B AAA server in order to authenticate Entity B users (§ 53).

26. In reference to claim 20, Allen teaches a method according to claim 1 and further comprising, in which Entity A operates an authorization mechanism and is responsible for authorizing Entity B users to access the network and services (§ 53).

27. In reference to claim 21, Allen teaches a method according to claim 20 and further comprising, in which the user authorization data is cached for future authorization requests (§ 53).

28. In reference to claim 22, Allen teaches a method according to claim 20 and further comprising, in which the authorization mechanism is an AAA server (§ 53).

29. In reference to claim 23, Allen teaches a method according to claim 21 and further comprising, in which the AAA server communicates with Entity B AAA server in order to authorize Entity B users (§ 53).

30. In reference to claim 24, Allen teaches a method according to claim 1 and further comprising, in which Entity A provides Entity B's users with a bill on behalf of Entity B and under an Entity B name (§ 25 & 32).

31. In reference to claim 25, Allen teaches a method according to claim 1 and further comprising, in which Entity A provides Entity B's users with customer care services on behalf of Entity B (§ 25 & 32).

32. In reference to claim 26, Allen teaches a method according to claim 1 and further comprising, in which Entity A aggregates content, and enables Entity B to resell content services based on Entity A aggregated content to Entity B users under an Entity B name (¶ 25 & 32).

33. In reference to claim 27, Allen teaches a method according to claim 1 and further comprising, in which Entity A operates and manages applications which were developed by Entity B and third party entities (¶ 25 & 32).

34. In reference to claim 28, Allen teaches a method according to claim 1 and further comprising, in which Entity A prices its services based on the content and not based on the transport of data over the network (¶ 25 & 32).

35. In reference to claims 29-45, these claims correspond to the method claims of claims 1-28. Therefore, claims 29-45 are rejected based upon the same rationale as given for claims 1-28 above.

Conclusion

36. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hani Kazimi whose telephone number is (571) 272-6745. The examiner can normally be reached Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3691

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



HANI M. KAZIMI
PRIMARY EXAMINER
Art Unit 3691

January 18, 2008